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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,107	09/11/2003	Tomohisa Abe	HGM-104-A	6858

21828 7590 10/14/2005

CARRIER BLACKMAN AND ASSOCIATES  
24101 NOVI ROAD  
SUITE 100  
NOVI, MI 48375

EXAMINER
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NGO, LIEN M

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SR

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,107	<b>Applicant(s)</b> ABE ET AL.	
	<b>Examiner</b> LIEN TM NGO	<b>Art Unit</b> 3784	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6, 9, 10 and 12 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7 and 11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/21/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berthiaume (6,592,415) in view of Wehle et al. (5,320,240) or Schlessmann et al. (5,165,565).

Berthiaume discloses, in figs. 10 and 11A, a watercraft comprising a fuel fill member 152 having a tubular routing structure with a stopper member, a fill cap 140, and wherein the routing structure comprising a fuel filling portion formed at an outer end and a plural hose connecting portions 141, 148 at the other end (see fig. 11A), wherein each of the plural hose connecting portions extending in parallel to the tubular routing structure and opening directly thereinto.

Berthiaume does not teach a chain having a protective tube, the chain having one end fastened to the inside of the routing structure and the other end fastened to the fill cap.

Wehle et al. or Schlessmann et al. teach a fuel cap comprising a chain having a protective tube, and the chain having one end fastened to the inside of the routing structure and the other end fastened to the fuel cap.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Berthiaume cap with a chain having a protective tube, the chain having one end fastened to the inside of the routing structure and the other end fastened to the fill cap, as taught by Wehle et al. or Schlessmann et al., in order to prevent the fuel cap from an accidental lost.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berthiaume in view of Jensen (3,420,585) and further in view of Saxton (4,118,902).

Berthiaume does not disclose a chain having a protective tube, the chain having one end fastened to the inside of the routing structure and the other end fastened to the fill cap.

Jensen teaches a fuel cap comprising a chain having one end fastened to the inside of the routing structure and the other end fastened to the fuel cap.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Berthiaume cap with a chain, as taught by Jensen, in order to prevent the fuel cap from an accidental lost.

Saxton teaches, in fig. 1, a chain having a protective tube being separate and spaced from fastening structure of the chain.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the chain in the invention of Berthiaume in view of Jensen with a protective tube, as taught by Saxton, in order to protect the chain from damage and preclude accidental scratching caused by the chain.

4. Claims 1, 5, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (4,836,853) in view of Jensen (3,420,585) and further in view of Saxton (4,118,902).

Harris et al. discloses, in fig. 9, a fuel inlet apparatus comprising a fuel fill member 132 having a tubular routing structure with a stopper member, a fill cap 70 and wherein the routing structure comprising a fuel filling portion formed at an outer end and a plural hose connecting portions at the other end, wherein each of the plural hose connecting portions extending in parallel to the tubular routing structure and opening directly thereinto.

Harris does not disclose a chain having one end fastened to the inside of the routing structure and the other end fastened to the fill cap.

Jensen teaches a fuel cap comprising a chain having one end fastened to the inside of the routing structure and the other end fastened to the fuel cap.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Harris cap with a chain, as taught by Jensen, in order to prevent the fuel cap from an accidental lost.

Saxton teaches, in fig. 1, a chain having a protective tube being separate and spaced from fastening structure of the chain.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the chain in the invention of Harris in view of Jensen with a protective tube, as taught by Saxton, in order to protect the chain from damage and preclude accidental scratching caused by the chain.

#### ***Allowable Subject Matter***

5. Claims 2-4, 6, 9, 10 and 12 are allowed.
6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 5, 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-

4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL MAR can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

October 12, 2005

